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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WASTE COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL VALLEY HEARING ROOM
SACRAMENTO, CALIFORNIA

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TIFFANY C. KRAFT, CSR, RPR
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Cheryl Peace, Chair

Ms. Rosario Marin

Ms. Rosalie Mul

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Ms. Marie Carter, Chief Counsel

Mr. Elliot Block, Staff Counsel

Mr. Bob Fujii, Supervisor, Waste Tire Management

Mr. Nate Gauff, Staff

Ms. Eronia Hunt, Executive Assistant

Mr. Jim Lee, Deputy Director

Mr. Steve Levine, Staff Counsel

Ms. Michelle Martin, Staff

ALSO PRESENT

Mr. Michael Blumenthal, Rubber Manufacturers Association

Mr. Terry Leveille, TL & Associates

Mr. Larry Sweetser, ESJPA

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1 PROCEEDINGS

2 CHAIRPERSON PEACE: Well, it is 9:30. Not a big
3 crowd this morning. I guess we can go ahead and begin.

4 Eronia, would you like to take the roll?

5 EXECUTIVE ASSISTANT HUNT: Marin?

6 COMMITTEE MEMBER MARIN: Here.

7 EXECUTIVE ASSISTANT HUNT: Mulé?

8 COMMITTEE MEMBER MULÉ: Here.

9 EXECUTIVE ASSISTANT HUNT: Chair Peace?

10 CHAIRPERSON PEACE: Here.

11 Okay. At this time, if you'd put your cell
12 phones and pagers on vibrate or meeting mode. There are
13 agendas on the back table. There are also speaker slips.
14 If you'd like to address the Committee on an item, please
15 bring your speaker slip to Ms. Hunt.

16 Eronia, would you like to raise your hand? Okay.

17 Members, any ex partes?

18 COMMITTEE MEMBER MARIN: No. I'm up to date.

19 Oh, I don't know whether -- well, probably. I had a small
20 meeting with Tim Coyle from the California Building
21 Industry Association.

22 COMMITTEE MEMBER MULÉ: I'm up to date.

23 CHAIRPERSON PEACE: I'm also up to date.

24 So before we get started, I was just going to
25 give a little update on legislation this year related to

1 waste tires.

2 One, there was AB 1249 by Assemblymember
3 Blakeslee regarding waste tire facility permits. It was
4 co-sponsored by the Department of Forestry and Fire
5 Protection and the Board. This would give the State Fire
6 Marshal the authority in consultation with the Board to
7 develop and adopt regulations relating to fire prevention
8 and storage of waste tires at major waste tire facilities.
9 The bill was designed to improve local enforcement of
10 waste tire safety regulations. Given the purpose of the
11 bill and that there was no opposition, we expect the
12 Governor's signature by October 9th.

13 SB 772 by Senator Chaney, this bill requires the
14 Board as of the first of the year to include in the
15 Five-Year Tire Plan an element addressing
16 California/Mexican border waste tire activities, such as
17 tracking tire flow, training of enforcement personnel, and
18 other efforts to reduce the illegal tire dumping in
19 Mexico. This bill basically codifies activities that are
20 already included in the new Five-Year Tire Plan.

21 AB 338, called the RAC bill, would require
22 Caltrans to use increasing amounts of crumb rubber in lieu
23 of other materials for state and highway construction or
24 repair projects that use asphalt as a construction
25 material. Amendments added to the bill at the insistence

1 of the oil industry at the last week of session would
2 allow the possibility of Caltrans using terminal blend as
3 well as RAC in these projects. This caused the Rubber
4 Pavements Association to send a letter changing their
5 position from support to oppose, and makes whether or not
6 the Governor signs the bill anybody's guess. He has until
7 October 9th to make that decision.

8 And with that, we'll go ahead and get started.

9 Mr. Lee, do you have a Deputy Director's report?

10 I did want to mention Item Number 12 regarding
11 the satellite imagery has been pulled. We'll hear that in
12 October.

13 DEPUTY DIRECTOR LEE: Yes, Madam Chair. Our plan
14 is to bring that before the Board in November.

15 CHAIRPERSON PEACE: Oh, November.

16 DEPUTY DIRECTOR LEE: Thank you, Madam Chair,
17 Committee members. My name is Jim Lee, Deputy Director of
18 the Special Waste Division.

19 I did want to take some time in my Deputy
20 Director's report this morning to update you on some of
21 the progress on the Sonoma waste tire sites. At the Beebe
22 family ranch, the tire mediation project for this site is
23 nearly complete. The majority of the tires have been
24 removed from the site, have been shredded, and then sent
25 to the Yolo County Landfill to be used in a civil

1 engineering project. The remainder of the tires were sent
2 to the Potrero Hills Landfill. The site restoration work
3 has been completed by Karen Gerbosi's contractor.

4 Silacci, all the tires have been removed from the
5 gullies and staged on the property. The Board's
6 contractor is beginning transport of the tires to an
7 approved waste tire facility. This work should be
8 completed within the next two weeks. And the restoration
9 work is scheduled to be completed prior to October 15th.

10 The Briggs waste tire site, the site is about 60
11 percent complete. The Board's contractor has removed the
12 majority of the tires from the two drainage ditches at the
13 site and transported the tires to an approved waste tire
14 facility. Mr. Briggs' contractor is scheduled to begin
15 the site restoration work on September the 15th.

16 The Wilson Beebe tire site, the owner's
17 contractor will begin the removal of the tires from the
18 three drainage areas to a staging area on the property
19 this week. This will take approximately two weeks. At
20 that time, the Board's contractor will begin the transport
21 of the tires to an approved waste tire facility.

22 The Universal Portfolio site, the owners for this
23 particular site did not provide the documentation required
24 as part of their negotiated cost recovery. So this site
25 will not be able to be remediated until next year.

1 So unless there's any questions with regards to
2 that, Madam Chair, I'm prepared to move into the day's
3 agenda.

4 COMMITTEE MEMBER MARIN: Mr. Lee, one of the
5 questions on the very, very last one that they did not
6 provide for -- is it documentation that we needed? Is
7 that not available now? Why couldn't we move it now?

8 DEPUTY DIRECTOR LEE: Madam Chair, let me see if
9 I can --

10 COMMITTEE MEMBER MARIN: It hasn't rained yet.

11 DEPUTY DIRECTOR LEE: Ms. Marin, let me see if I
12 can ask one of my staff members to provide a little more
13 detail on that particular site. Is Bob Fujii in here?

14 COMMITTEE MEMBER MARIN: Just in time.

15 SUPERVISOR FUJII: My understanding is when --
16 Bob Fujii, Special Waste Division.

17 My understanding was when the Board went into
18 closed session with Legal, there was some agreements made
19 by both parties on what was going to be submitted to
20 basically consummate that agreement. It's my
21 understanding in talking to Legal the documentation
22 required by us of UP has not been submitted to this date.
23 So without that documentation, we're unable to consummate
24 the agreement that the Board entered into with UP. So it
25 will be delayed until those documents are submitted. And

1 our window of opportunity to do these sites, as you are
2 aware, we had to have the restoration and tire removal
3 done before October 15th. And at this late time, it's
4 just impossible for us to make that deadline.

5 COMMITTEE MEMBER MARIN: But October 15th, it's a
6 deadline imposed by who?

7 SUPERVISOR FUJII: Department of Fish and Game.

8 DEPUTY DIRECTOR LEE: The idea behind that,
9 Ms. Marin, is we want to have the work done, the tires
10 removed, and the erosion control in place before the rainy
11 season starts. Some of the control agencies, the
12 responsible agencies, like Fish and Game, Fish and
13 Wildlife Service, want to see work in these stream
14 channels cease by that date. So it's arbitrary, but there
15 is a reason behind it.

16 I also believe some of the documentation needs
17 were getting bids from their contractors showing they
18 basically had -- you know, they would be available to do
19 the erosion control work after our contractor completed
20 the erosion control. I believe that's one of the issues,
21 but perhaps not the only one. Perhaps later in the
22 meeting I'm expecting Steve Levine back at the Committee
23 meeting, and we can ask him for additional information.

24 COMMITTEE MEMBER MARIN: One of the things -- I
25 certainly would like to bring this back to the Board.

1 Maybe a closed session at the Board meeting. I want to
2 deal with this. Because this is unacceptable that this is
3 just -- we cannot be having people promise something, and
4 we, in good faith, you know, came to an agreement and one
5 party chooses not to fulfill their obligation. I take
6 that very seriously. So if it's okay with you --

7 CHAIRPERSON PEACE: Speak of the devil.

8 COMMITTEE MEMBER MARIN: We may have to have it
9 in closed session anyways.

10 STAFF COUNSEL LEVINE: Good morning. Steve
11 Levine.

12 COMMITTEE MEMBER MARIN: Welcome.

13 STAFF COUNSEL LEVINE: I just ran down the
14 stairs. Just give me a second.

15 CHAIRPERSON PEACE: Right into the hot seat.

16 STAFF COUNSEL LEVINE: Yes. Of the three sites
17 that indicated at the Board meeting in Sonoma that they
18 had the grading permits received that day or the day
19 before, two of those sites are presently under
20 remediation. The third site, Universal Portfolio, had
21 indicated I believe on the record that they should have
22 their contractor lined up for the restoration work after
23 the removal of the tires in a day or two. And that was
24 not forthcoming. He requested additional time, and we
25 provided it. And no contractor information was provided.

1 Pursuant to the Board's direction, no offer of
2 compromise was made on that site unless and until we
3 received the contractor information. So this site will
4 now be folded in with the other three sites.

5 I still have to catch my breath.

6 With the other three sites that were remaining
7 for next year in any event -- and so staff greatly
8 appreciates the request for direction that was given at
9 that meeting, because this was precisely one of the
10 scenarios where we felt that kind of direction would be
11 very helpful, where, in addition to these sites, if any of
12 these other sites, which were all sort of tenuous at that
13 point, also needed to go for the second year. So there is
14 no offer of compromise on that site because there was no
15 contractor information submitted.

16 COMMITTEE MEMBER MARIN: What if they came today
17 and said, here's the contractor. Here's the information.
18 This is what we want to do now.

19 STAFF COUNSEL LEVINE: For this year? One of the
20 issues that we sort of alluded to in the item and that
21 I'll also make clear here now is that for many of these
22 sites that needed simply a grading permit, did not need an
23 NPDES permit from the Water Board as we had originally
24 anticipated all these sites would need -- that was one of
25 the main issues as to why these sites were special.

1 As I said in the item for the Sonoma meeting, we
2 had requested -- we learned in January that they had this
3 minimal grading permit requirement. We've requested in
4 March coordination with them so that we can use this whole
5 summer period to move from one site to another. There are
6 only so many disposal facilities in the region that can
7 accommodate waste tires.

8 So, ideally, with all the time we had since
9 January of this year or before -- we don't know exactly
10 when they made this determination that all they needed was
11 the grading permit -- we wanted to coordinate so you would
12 go from one site to the next. We'd ordinarily have a
13 progression of the first tires going to the disposal site
14 while the next job started. Unfortunately, apart from
15 Gerbosi -- and Mr. Silacci has been in regular contact
16 with us throughout the winter season.

17 The other sites, we did not hear anything until
18 this Board elected to go on down to Sonoma and apprise the
19 situation themselves. And so we were then hit with all of
20 these sites at the end of the summer period. And I'll say
21 now, and obviously you'll make your decisions at the end,
22 but I want to commend Albert Johnson and Bob Fujii.
23 Albert has been out there every day trying to make this
24 work. That's what we're doing right now. But we are now
25 in the middle of September. And, typically, the rainy

1 season starts in mid-October, late October. You know, the
2 window is gone.

3 COMMITTEE MEMBER MULÉ: For this year.

4 COMMITTEE MEMBER MARIN: I certainly don't
5 appreciate the fact that a promise was made and it wasn't
6 kept from this particular site. I really, really feel
7 that that is unacceptable. And I'd like to bring this to
8 closed session and I want them to know. So you please let
9 these people know we will be considering this item again.
10 And I, personally, take it very seriously that they did
11 not live up to their commitment.

12 STAFF COUNSEL LEVINE: Two things. One, I have
13 no personal knowledge, because it hasn't been related to
14 me directly, as to why this contractor issue arose. I
15 mean presumably --

16 COMMITTEE MEMBER MARIN: These people came to the
17 Board. I remember very clearly these people coming to the
18 Board. And at least in my perception, a promise was made
19 that this would be done. And so I don't know that there
20 are excuses. I don't know there are reasons. There may
21 be excuses, but not real reasons. And I think we need to
22 deal with it. I don't appreciate that at all.

23 STAFF COUNSEL LEVINE: On a personal basis, I
24 want to make one point. When we realized about a month
25 before -- we scheduled the August meeting in Sonoma --

1 when we scheduled the August meeting -- when you scheduled
2 the August meeting to be held in Sonoma, about a month
3 before that, after it became clear, I did get the call
4 from the RCD and also Mr. Silacci saying how -- and,
5 actually, Universal Portfolio. How do we coordinate all
6 of this?

7 And my main concern, so you understand where our
8 perspective was, was they don't have the grading permit
9 yet? You told us in January all you need is a grading
10 permit. That was my main concern. I was not thinking --
11 well, clearly, they've been talking with contractors.
12 Clearly, that's the easy part. There are people that want
13 to do the work. And so it was great news.

14 As you heard, our concerns were expressed to the
15 Board at the August meeting. We're concerned about the
16 grading permit. The representations were made. They
17 turned out to be true, grading permits in place. And also
18 the representation they should have the contractor firmed
19 up in a day or two. Again, I'm not going to say one way
20 or the other as to the reasons for this. I'll leave it
21 for him, because I don't have any firsthand knowledge.

22 DEPUTY DIRECTOR LEE: Ms. Marin, if I can add to
23 this, too. We'd be pleased to respond to this in closed
24 session, but also to point out until the Board took its
25 actions in September -- I mean, in August, you know, staff

1 was skeptical that we were going to move any other sites
2 besides the Gerbosi site. So to complete four of the five
3 we think is doing pretty well.

4 We, too, are disappointed that Universal
5 Portfolio did not come forward, but I would like again to
6 point out the progress that has been made on the
7 substantial majority of the sites.

8 COMMITTEE MEMBER MARIN: I totally agree. I
9 definitely commend the work that has been done with all of
10 the four sites and the staff and the people that were
11 honorable in their word and kept it. I do have a problem
12 with the one that doesn't.

13 STAFF COUNSEL LEVINE: And just to elaborate very
14 briefly on Mr. Lee's point. Mr. Silacci during the course
15 of last winter was also in communication with us, so we
16 were hopeful. But Jim is right, we had no definiteness
17 with respect to that site. But Mr. Sillaci had been in
18 regular contact with us.

19 COMMITTEE MEMBER MARIN: Okay.

20 CHAIRPERSON PEACE: I think we're all really
21 happy we got these four sites cleaned up this year.
22 They'd been working on it for ten years when I came to the
23 Board. I think that's wonderful. I commend staff on
24 that.

25 I think we're all disappointed that Universal

1 Portfolio didn't follow through, but I don't think there's
2 anything we can probably do about it, except when we
3 consider cost recovery on this site, we'll consider that.

4 COMMITTEE MEMBER MARIN: I think that's why we
5 need a closed session because --

6 CHAIRPERSON PEACE: We'll consider in a closed
7 session. Okay. Everybody ready to move forward?

8 DEPUTY DIRECTOR LEE: Yes, Madam Chair. Thank
9 you.

10 First item for the Committee's consideration is
11 Board Item 9, Consideration of Eligibility Criteria
12 Priorities Categories and Evaluation Process for the
13 Targeted Rubberized Asphalt Concrete Incentive Grant
14 Program, Fiscal Years 2005-2006 and 2006-2007.

15 In May, the Board approved a revision to the
16 Five-Year Tire Plan. The revised plan was characterized
17 by a refocusing of staff resources and funding support to
18 concentrate in large part on RAC and civil engineering.
19 RAC and civil engineering were determined to be the most
20 cost effective, legislatively approved, and available
21 large scale uses of waste tires.

22 This targeted RAC Incentive Grant Program and the
23 companion Kuehl Grant Program, which we will discuss in a
24 subsequent agenda item later this morning, are integral
25 components of the Board approved strategy for increasing

1 the use of RAC. The targeted RAC Incentive Program will
2 be complimented by Board funded efforts approved earlier
3 this year to outreach to local jurisdictions to publicize
4 and educate on RAC construction, cost, and public safety
5 advantages. Staff remains confident that this grant
6 program, the companion Kuehl Bill Grant Program, and civil
7 engineering programs, which will be brought to the Board
8 later this year, provide the foundation for significantly
9 increasing the waste tire diversion and recycling rate in
10 the state.

11 I'll now ask Nate Gauff to make the remainder of
12 the staff presentation.

13 (Thereupon an overhead presentation was
14 presented as follows.)

15 MR. GAUFF: Good morning, Chair Peace and
16 Committee members. I'm Nate Gauff with the Special Waste
17 Division. I don't need to read the title again.

18 --oOo--

19 MR. GAUFF: And Jim stole some of my thunder on
20 the first slide. I was going to remind you guys about the
21 elements that we're proposing for the new RAC program, of
22 which this program is one piece.

23 Some of the points that I wanted to make with the
24 program is that it is designed to give the new or limited
25 users of RAC a refreshed experience or a new experience

1 with the material. In addition, we will be giving them
2 training on how to use the material, how to construct, and
3 those types of things.

4 We're not just going to do a project for them.
5 We're going to give them some training so they can
6 hopefully carry on the program in the future. The grant
7 award dollars will actually be used to offset the
8 differential cost of the rubberized asphalt and also to
9 offset some testing costs that may be incurred in the
10 course of the project. And we're proposing that only one
11 grant award be given, under this program, per
12 jurisdiction. I just want to remind you, as the title
13 says, this a two-year -- we're looking for a two-year
14 approval on the criteria.

15 --o0o--

16 MR. GAUFF: The funding for this program as
17 allocated in the Five-Year Plan, roughly \$3.6 million will
18 go towards the grant. Out of the 3.827 that's in the
19 Five-Year Plan, part of that is going to go to funding the
20 expert contracts. So about 3.6 million is going to be
21 left over for the grants for 05-06, and about 2.2 million
22 will be available in 06-07 for the grant program.

23 Staff is proposing that we do include the
24 north/south funding split that we have done on a number of
25 other grants, mainly because most of the work is in the

1 south, or most of the populations in the south. We feel
2 quite a few of the new users will be in the south. So we
3 at least on an initial basis want to have that split.
4 However, we are proposing -- as delineated in the item, we
5 are proposing, if we get to our last funding cycle and we
6 have available funds, that we set aside the north/south
7 split just if it's a situation where it will help us
8 disburse the funds to the greatest extent.

9 --o0o--

10 MR. GAUFF: The maximum grant awards, and I have
11 a calculation on the slide here. Basically, the maximum
12 grant award is a multiplication of the minimum tonnage or
13 the tonnage of the project times the differential cost.
14 Once again, we can and we may and we probably will award
15 grants less than the maximum. And we will probably have
16 projects that are far significant or far surpassing the
17 minimum tonnage. You know, where the differential is much
18 lower, a jurisdiction may still seek the maximum grant
19 award. But they're going to put more material down, which
20 ultimately helps our cost, too.

21 The maximum grant awards we're looking at is
22 125,000 in the south, 150 in the north, and 175 for rural
23 jurisdictions. And that's irregardless of north or south.
24 And the definitions for those jurisdictions are laid out
25 in the item.

1 The reason the amounts are different is that
2 typically, like I said, a lot of work is done in Southern
3 California. The differential cost is lower in Southern
4 California typically than in Northern California. And the
5 rural jurisdictions, whether they're north or south, have
6 the additional burden, I guess I would say, of being
7 remotely located away from a lot of plants and things like
8 that. And there's additional transportation costs, so the
9 price goes up. So we want to get them in the program,
10 too. So we're allowing for them to have a few more
11 dollars to try to cover the costs.

12 --o0o--

13 MR. GAUFF: The eligibility criteria, we're
14 looking at local governments and their subdivisions.
15 Basically, that would be other departments within local
16 government. However, that local government will only
17 receive one grant.

18 So, for example, we've had some discussions with
19 South Lake Tahoe, and I've talked with a guy that runs
20 their airport, and he wants to repave some of their
21 airport areas. And I said, "Well, are you part of the
22 city?" He said yeah. That's okay. That's a project we
23 can do. If it was a private airport or something like
24 that, they wouldn't qualify. But being a part of local
25 government, being a subdivision, they would qualify.

1 We're looking at a minimum project of 3500 tons
2 of RAC. That equates to roughly three lane miles of
3 material. We felt that would be a representative amount
4 that would give the jurisdiction and their staff and their
5 folks a significant experience with the material to see
6 the benefits. They don't have to put it all on one road.
7 They could spread it out over their city however they see
8 fit. But we are asking them to at least make an aggregate
9 amount of 3500 tons.

10 We're also requiring them to use at least 20
11 pounds of rubber per ton of rubberized asphalt. That
12 number basically came from the Kuehl Bill. That would be
13 a minimum amount. Certainly, they could use more rubber
14 per ton. And then we also require them to use rubber
15 that's derived from 100 percent California waste tires.

16 --o0o--

17 MR. GAUFF: The priority categories -- and this
18 is how we're going to rank the projects as they come in.
19 The highest priority project we'd like to fund is a
20 project where the jurisdiction has never done a RAC
21 project. That would be our highest priority.

22 Second highest priority would be a jurisdiction
23 that has not had a project in at least ten years. You
24 know, that maybe they did a project 10, 12, 15 years ago
25 and got away from the material. We want to reintroduce

1 them to material.

2 And then we go down to lesser levels of priority.

3 Once again, kind of looking at the gap in time of the

4 farther the gap, the higher the priority. Certainly, with

5 the three-year gap in Category 5, we're looking to also

6 work with the folks that have just started using the

7 material and kind of keep them going, you know, with a

8 little boost. But that's why it's the lowest priority.

9 If there's a significant number of higher priority

10 projects, they will be funded before the lowest priority.

11 But we didn't want to forget the folks that are just

12 starting out in their programs. We think we can help them

13 continue on.

14 --o0o--

15 MR. GAUFF: The evaluation process is pretty

16 simple. You know, we're looking to receive the

17 applications on a quarterly basis. We feel that will help

18 us to, one, spread the workload. And also, you know,

19 we'll be able to deal with the jurisdictions that are

20 ready to go right now and not wait. And also as we get

21 the marketing piece up and running, you know, we're going

22 to have people come in. We don't want those people to

23 wait for six or eight months for a once-a-year deadline.

24 So we're going to go on a quarterly basis. We're

25 proposing a quarterly basis.

1 We're going to use the priority categories to
2 rank the applicants, and we're asking that the Board waive
3 the general criteria and the general checklist process,
4 because these will be local governments that will be
5 applying. And we've done that the last cycle -- the last
6 two cycles with the Kuehl Bill grants where we've waived
7 the general criteria, had the priority categories that
8 were different than these, and we also waived the
9 checklist requirement. So that's not a new precedent.

10 And the last thing is if there are any ties and
11 we have funding issues where we have to break a tie, we
12 have tie breakers, mainly that whoever has the fewest
13 projects will get the priority when there's a tie. And
14 then also if they have the same number of projects, we'll
15 go to whichever got their application in first. If
16 there's still a tie, we're just going to split the
17 funding. But we feel we'll be able to break any ties with
18 that.

19 --o0o--

20 MR. GAUFF: I think that was it. Are there any
21 questions?

22 CHAIRPERSON PEACE: Do you want to ask questions
23 or hear speakers first?

24 COMMITTEE MEMBER MARIN: No. The question is for
25 staff, my questions are, if that's okay.

1 CHAIRPERSON PEACE: Yeah. Go ahead.

2 COMMITTEE MEMBER MARIN: I really, really like
3 the way you guys have laid this out. I think it's much,
4 much better than what we had before. I like it better
5 that it's one grant per jurisdiction versus, you know,
6 three grants at 50, the maximum is 150.

7 The only question that I have is before it was up
8 to three grants for a total of 150; right? That's the way
9 it was. Now the maximum is 125. I'm wondering if it
10 would be good at least to think about where the lowest
11 would be 150 for the southern, and then a little bit more
12 for the other ones and a little bit more for the rurals.
13 I mean, they will get at least --

14 MR. GAUFF: I think that's reasonable. You know,
15 the numbers that we came up with, or that I came up with,
16 were really based on an informal survey. I heard some low
17 differential numbers and some higher ones within the south
18 and the north, and certainly the rurals are all over the
19 map just because they're at the mercy of the contractors.
20 I don't see anything wrong with bumping it up. I think
21 what it will do, if anything, it will probably allow us to
22 get more material out per project with whatever
23 differential there is. We will just -- if they want the
24 maximum, they will just go ahead and put down more
25 material. So I have no problem with that.

1 COMMITTEE MEMBER MARIN: It's just that, for
2 example, in some jurisdictions, they're going to have
3 three or four projects. They're not going to have one big
4 project. They're going to have three or four. And they
5 may need a little bit more than the 125 we had originally.

6 MR. GAUFF: So you're proposing an addition
7 25,000 for each category?

8 CHAIRPERSON PEACE: 150,000 for the southern
9 project, 175 for the north, and 200,000 for the rurals?

10 MR. GAUFF: That sounds reasonable.

11 CHAIRPERSON PEACE: Any other questions?

12 COMMITTEE MEMBER MARIN: That does it for me.

13 CHAIRPERSON PEACE: Let's go ahead. I have
14 several questions. And I will get into those. But let's
15 go ahead and hear what the speakers have to say.

16 Mr. Leveille.

17 MR. LEVEILLE: Madam Chair and Committee members,
18 Terry Leveille, TL & Associates.

19 I just wanted to make sure that we've got
20 provisions within the grant program so that we don't run
21 into problems with the technology that we're using. As
22 you saw with AB 338, we kept running over and over into
23 this problem with the merits of terminal blends versus the
24 wet process and the like.

25 CHAIRPERSON PEACE: Actually, what I was going to

1 suggest -- and I talked to staff about this -- is the
2 eligible projects, instead of saying they will use 20
3 pounds of crumb rubber or more, that their projects, the
4 RAC projects, must be meet ASTM standards. Does that
5 make --

6 MR. LEVEILLE: That would be my suggestion as
7 well. That was a good one. Because the 20 pounds per
8 ton, that's sort of --

9 CHAIRPERSON PEACE: It could be a whole new way
10 of doing something. They're using 20 pounds and they
11 technically qualify, but it hasn't been an approved
12 method. So from what I understand, talking to people from
13 the RPA and other people, that if we put in the ASTM
14 standards, we'll make sure we get a quality product.

15 MR. LEVEILLE: And, likewise, I don't know what
16 the statutory requirements on the next grant program or
17 the Kuehl Grant Program, but I assume that the Board has
18 some internal evaluation processes that can adopt the same
19 type of thing.

20 CHAIRPERSON PEACE: I don't know if we can change
21 the Kuehl Bill. Actually, if you use 20 pounds, more than
22 likely you're going to be using an ASTM standard. And
23 there's only one more year of that. I don't know if we
24 want to change that. But for our grant, for this one and
25 in the future, I would like to see that the projects would

1 meet ASTM standards.

2 MR. GAUFF: And I would say staff concurs that's
3 probably the way to go. I think what I did, since I wrote
4 this item, when I put it together was to look at what
5 Kuehl had done. I looked at the applications we got in.
6 Now, within Kuehl, all the applications were asphalt
7 rubber. There were no terminal blend projects that I saw.

8 But I do agree that if you used ASTM standards,
9 you're using the most proven process that has the highest
10 likelihood of success, which is what we want for these
11 jurisdictions, or to reinforce with the people that have
12 limited use. So I'd be willing to make that change if
13 that's the pleasure of the Committee.

14 CHAIRPERSON PEACE: Yes, it is.

15 Let's listen to Larry Sweetser.

16 MR. SWEETSER: Good morning, Madam Chair and
17 members of the Committee. My name is Larry Sweetser on
18 behalf of the Rural Counties Environmental Services Joint
19 Powers Authority. We have 22 member rural counties out
20 there. You should have received our letter supporting the
21 program.

22 Actually, we went back through our files and
23 realized two years ago we asked you to do exactly what
24 you're doing today. So we graciously accept that offer.
25 So we do support the rule allocation. We do support the

1 issue about giving some preferential treatment for
2 transportation. As Chair Marin knows from her tours, it's
3 a long way to Modock. So in order to get material out to
4 the rural areas, we do need some assistance in there, and
5 possibly even some regional grants to put together with
6 neighboring counties.

7 We do hope even with the allocation -- and it
8 wasn't quite clear on the agenda item to me that if there
9 is money left over in one of the categories that isn't
10 applied for, maybe you would allow yourselves to shift it
11 to some other ones where there might be a need to do that.
12 Because as I understand it, it's three separate
13 applications; north, south, and rural. And somebody could
14 qualify in one or more categories. So if there isn't
15 enough applications in one category, maybe shifting some
16 of those funds after the fact to allow for that.

17 We do hope we can meet the minimum criteria for
18 the number of tires. We'll have to take a hard look at
19 that. We'll be availing ourselves of staff's expertise
20 and the contractor to help educate some of our rural
21 members on how to do this.

22 And the ESJPA is committed to working with the
23 rural counties. When Chair Marin has been out there,
24 she's preached the messages and it was heard. So
25 hopefully we can show Modock and others what the

1 government can do to help. Thank you.

2 CHAIRPERSON PEACE: Thank you.

3 COMMITTEE MEMBER MARIN: Word travels very fast.

4 I just explained to wonderful people of Modock we were
5 from the government and we were there to help.

6 COMMITTEE MEMBER MULÉ: I figured that was your
7 opening line.

8 MR. GAUFF: One thing I'd like to clarify based
9 on Mr. Sweetser's comments is that the rural
10 jurisdictions, no matter if they're in the north part of
11 the state or the south part of the state, will be
12 considered rural based on the definition in the item of
13 the county population being 400,000 or less based on the
14 2000 census. So any city or town within that county is
15 considered rural. And so, you know, they'll be applying
16 for the rural amount.

17 And we're actually not separating the funding
18 into north, south, and rural. We're separating it into
19 north and south initially just to reserve funding. But,
20 once again, as it's disbursed and we get to that last
21 cycle and there's plenty of funds available, we will set
22 aside the north/south split to fund the projects as
23 appropriate.

24 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

25 I just have one question for staff. What type of

1 follow-up do you plan on doing as to the performance, the
2 long-term performance, of RAC?

3 MR. GAUFF: One of the things with all these
4 projects, this is probably going to outlast my time here
5 at the Board. But we could put a mechanism in place to
6 track these projects. Like I said, most of these projects
7 are going to be designed for at least a ten-year life
8 span. And I'm assuming they're going to all last much
9 longer than that.

10 COMMITTEE MEMBER MULÉ: But that's exactly my
11 point. I just think it's important that we do track, you
12 know, the success of these projects so that we can then
13 further promote the use of RAC in additional
14 jurisdictions. I mean, again, our goal is to use as much
15 RAC as we can throughout the state. So, but again, you
16 know, a lot of the concerns that I've heard from some
17 folks is to the long-term performance of using RAC. So if
18 anything that we can do to track the results, to track the
19 success I think will be very important, and it will help
20 us in our future outreach efforts to jurisdictions to use
21 RAC. So I'd appreciate if we could have some type of
22 tracking mechanism put in place.

23 MR. GAUFF: I think we can look into that.

24 One of the things that's part of this program,
25 and in addition with our contractor, is that we will be

1 performing some engineering testing within the project,
2 pre-test to make sure that the location is suitable for
3 rubberized asphalt, and then also doing quality assurance,
4 quality control testing of the material on the
5 construction so that at least initially we have a good
6 indication there's going to be a high likelihood of the
7 success of the project. A longer term issue is something
8 we can develop.

9 COMMITTEE MEMBER MULÉ: I think it's important
10 that we do that. So I would appreciate it if you could
11 work on that. Thank you.

12 COMMITTEE MEMBER MARIN: Thank you, Madam Chair.

13 I wanted to know, I know we're talking about \$5.8
14 million. Is there any way that if this gets
15 oversubscribed, which I hope it would be, that we can
16 actually allocate more money?

17 DEPUTY DIRECTOR LEE: Well, Ms. Marin, we're very
18 hopeful that we will be oversubscribed. Like I said, I
19 guess our bigger fear is we'll be undersubscribed. This
20 is a significant amount of money to be putting out into
21 the community.

22 As I said, we've got our complementary efforts
23 going on with our outreach and public education. But,
24 still, we have set ourselves a very high bar to jump over.
25 But if we are successful in our endeavors and we are

1 oversubscribed, and assuming there's money through one of
2 the reallocation processes available, certainly that could
3 be reallocated at the Board's -- to meet the Board's
4 desires.

5 CHAIRPERSON PEACE: We always have a reallocation
6 at the end of the year where we decide what we do with
7 that money that's still sitting there. And also there's
8 the revision of the Five-Year Plan that will be coming up
9 again. We start that again when --

10 DEPUTY DIRECTOR LEE: Next September.

11 COMMITTEE MEMBER MARIN: Because the last thing
12 we want is for people -- here we go. We have even gone
13 out there and put money into marketing and doing a lot of
14 outreach. And then we have all of these jurisdictions
15 say, yeah, we want it. Oh, we don't have enough money.
16 You know, that, to me, would be a bigger fear than the
17 opposite, you know.

18 DEPUTY DIRECTOR LEE: I understand, Ms. Marin.
19 And I think we're putting -- this year the money the Board
20 is spending on targeted RAC and the Kuehl Bill RAC Program
21 is four to five times what we spent last year.

22 COMMITTEE MEMBER MARIN: There's your marketing,
23 Mr. Jon. I think that it shows our priority, and I think
24 that the jurisdictions will welcome the knowledge of if we
25 apply for this, chances are we're going to get it. We're

1 spending time, and there is not enough money coming.

2 Okay. Great. Thank you.

3 CHAIRPERSON PEACE: I think between this bill and
4 the Kuehl Bill --

5 COMMITTEE MEMBER MARIN: It's close to 7 million;
6 right?

7 CHAIRPERSON PEACE: It's going to be hard-pressed
8 to get the money out the door. But we hope there's enough
9 people applying.

10 There is just a couple little tweaks that I
11 wanted to mention as I read through this. Under the
12 priority categories, the first priority, of course, is no
13 RAC projects have been constructed.

14 The next one, "No RAC projects have been
15 constructed in the applicant's jurisdiction in the last
16 ten years," and then you add in "and 25 or fewer RAC
17 projects constructed." I'm just wondering if we really
18 need that part. To me, if someone hasn't had a RAC
19 project in ten years, they need the incentive to try it
20 again. And if they haven't had one in ten years, is it
21 going to be hard to see if they even have 25, I mean --

22 COMMITTEE MEMBER MARIN: That's a good point.

23 MR. GAUFF: That's a good point. I think
24 originally when I was putting this together, I was
25 thinking ten years is a long time, but maybe they had

1 significant history. But then in talking about it since
2 then with some of the folks here and also some of the
3 people out in the industry, you know, a lot has changed in
4 the last ten years with the technology. And it probably
5 would be good just to forget about what they've done in
6 the past and get them up to speed to what's happening now.
7 So I think that's actually probably a good change. It
8 wasn't what I was thinking originally. But after talking
9 with folks, I think it's a good way to go.

10 CHAIRPERSON PEACE: I wasn't so concerned with
11 the Number 3, but with the Number 2, I'd really like to
12 strike that last part, the 25 or fewer RAC projects, and
13 just leave it if they haven't had one in the last
14 ten years.

15 MR. GAUFF: We'll take that off and still leave
16 it with the secondary priority in that, once again, our
17 highest priority are those folks that have never used the
18 material.

19 CHAIRPERSON PEACE: Exactly.

20 Also just one other little thing I wanted to
21 bring up, and maybe other people won't agree with me. But
22 in the event of tie breakers, the priority ranking
23 criteria for the tie breakers where it says, "The
24 jurisdiction with the fewest total RAC projects will get
25 the highest ranking." To me, it should be the

1 jurisdiction with the fewest total RAC projects as a
2 percent of their total road miles will get the higher
3 ranking. I would think like in L.A. County with 6,000
4 road miles and they only have two projects, but then you
5 have a little community that maybe only has five roads
6 and --

7 MR. GAUFF: Well, in the interest of keeping the
8 application process fairly simple for these local
9 governments, that may be difficult to do because we're
10 going to have to ask for a lot more information. It's
11 going to be more difficult to calculate, you know, as a
12 percentage versus them saying, hey, we did five. We've
13 done five RAC projects. That's something they can
14 quantify.

15 But trying to look back over the number of RAC
16 projects per year or, you know, based on the total number
17 of miles they did, I think that's going to get a little
18 cumbersome from our standpoint. It may significantly
19 increase the amount of paper we get back with the
20 applications.

21 I was just trying to keep it simple. That's why
22 I just left it if you've had five RAC projects total and
23 somebody else has had three and, you know, the yearly
24 issue is the same, then the person with three projects
25 would get the grant if there's an issue with funding. You

1 know, with the remaining funding, that the person with the
2 least number of projects would get the grant.

3 COMMITTEE MEMBER MARIN: Well, that leads me to
4 ask the question, because some of these jurisdictions were
5 doing what I would consider really one project. But
6 because the road was very long, they actually had to ask
7 for three projects. But it's really, really one public
8 works project. So why do we have to have projects? If I
9 just go back to the first question of Number 2, you know,
10 no RAC projects constructed or 25 or fewer, then the same
11 thing is for Number 3 and Number 4 and Number 5. Why
12 don't we delete the projects?

13 MR. GAUFF: The reason I put the "and" in there
14 was that I was thinking about, what if the situation came
15 up where a jurisdiction had not done a project in the last
16 three years but had 50 RAC projects they've done in their
17 history, but for the last three years they didn't have the
18 money or whatever, but they have quite a bit of
19 experience. So they would still qualify for a grant, but
20 they're not really fitting the purpose of this grant
21 purpose, which is the new user or the limited experience
22 user.

23 You know, I mean, for example, Thousand Oaks or
24 somebody like that that uses it almost every year. Let's
25 say for whatever reason they decide not to pay for three

1 years and they come back and say I want a grant and
2 they've got 50 projects they've done as far back as five
3 to seven years, they really have that experience.

4 So what I tried to do with the additional
5 stipulation of the project number was to try to capture
6 the limited use jurisdiction or the new user. I agree on
7 the ten-year thing that we could drop it because it makes
8 sense. Because like I said, enough has changed in that
9 amount of time that they need to get up to speed with
10 what's happening today. Seven years, I might consider it.

11 But once again, you could just have a weird
12 situation. I don't know everywhere in the state what the
13 situations are. But I didn't want the Board to get put in
14 a position that, you know, in five years they haven't done
15 a project, but the jurisdiction has 75 RAC projects in
16 that jurisdiction in the last maybe 10, 12 years. You
17 know, that was why I put that stipulation there. If you'd
18 like to change that, I'm open to suggestions certainly to
19 whatever makes sense.

20 COMMITTEE MEMBER MARIN: Right. Well, let's see.
21 If I am a public works director and there's been, you
22 know, no -- I have had no projects. I love RAC, but I
23 haven't had any project in three or five years, and I love
24 it, but my county is limited, you're going to penalize me.
25 I'm not going to use RAC now because that differential is

1 an incentive. And I love the product, but I just didn't
2 have the opportunity to use it. Why would you penalize me
3 as opposed to somebody that has never used it?

4 MR. GAUFF: Right. Once again, I developed this
5 criteria based on limited information available.

6 I would say this. If it turns out that there are
7 a significant number of jurisdictions that fall into those
8 issues where maybe they're eliminated, but their history
9 is spotty or they may be a good candidate for this
10 program, then I suggest we come back to the Board sometime
11 later either this year or early next year and say we'd
12 like to change the criteria so we can include these folks.
13 And then, you know, we'll have a better idea at that
14 point.

15 Because once again, the information is being --
16 databases and information is being gathered daily. The
17 Tech Center has been working on it for a while. We can go
18 to Caltrans, they have 30 years of program, and they still
19 don't have all their information together. So I think we
20 can cover those situations if we come back -- if we
21 uncover them and come back at some future date and say
22 we'd like to change the criteria at that point.

23 COMMITTEE MEMBER MARIN: I didn't mean to detract
24 from your question. But I really think that we need to
25 re-think about all of this.

1 CHAIRPERSON PEACE: I think this is a new
2 program, and I think we need to see what comes in and
3 analyze what comes in. This is going to be quarterly. So
4 you could come back, even if it's in two quarters you say
5 this really isn't working, we need to change it, you can
6 come back to change it.

7 DEPUTY DIRECTOR LEE: Is it the pleasure again to
8 drop the project designation from the --

9 CHAIRPERSON PEACE: Just number two. Just when
10 they haven't had one in ten years.

11 COMMITTEE MEMBER MARIN: My preference would be
12 to drop it all on all five of them. I mean 3, 4, and 5
13 and see what happens, you know. It may not. If they
14 really need it, then that's when we change it.

15 CHAIRPERSON PEACE: Since we're trying -- the
16 main reason of this grant program at this time is to get
17 new people --

18 COMMITTEE MEMBER MARIN: Right.

19 CHAIRPERSON PEACE: -- into the program. I think
20 the way he has it structured is probably a good way to
21 start. And then if it doesn't work out, then we can come
22 back and ask us to change it. I think let's go ahead and
23 start with the way they have it.

24 COMMITTEE MEMBER MARIN: But even seven years.
25 They haven't had something in seven years, you're going

1 to -- I mean, what's the difference between seven and ten?

2 CHAIRPERSON PEACE: Still, the people that
3 haven't had any are going to get priority.

4 COMMITTEE MEMBER MARIN: Right.

5 CHAIRPERSON PEACE: That's what we want.

6 COMMITTEE MEMBER MARIN: But they haven't had any
7 in ten and seven -- maybe five and three. You see what
8 I'm saying?

9 DEPUTY DIRECTOR LEE: I can assure the Committee
10 and the Board, if we have our first quarterly solicitation
11 and second quarterly solicitation and we don't see
12 significant movement of the money, you know, we will be
13 coming back to the Board to modify it. So we're going to
14 be continuing -- this is going to be an ongoing evaluation
15 of how successful the program is, how it's being received,
16 and if it's accomplishing the Board's objective.

17 I think what Nate has outlined is our best
18 attempt to try to be prudent, to try and, again, literally
19 target the people that haven't had a RAC project, try to
20 give them the biggest break. Like I said, but we are
21 certainly open to modification of it again if we aren't
22 achieving the desired objectives. But I think we would
23 support Committee Chair Peace's proposal to make the
24 change in the second priority and see how things go, and
25 then revise the rest if necessary at a later time.

1 COMMITTEE MEMBER MARIN: Do we have a clear
2 definition of a project for those versus -- you see, what
3 lead me to this originally was three projects versus one
4 project.

5 MR. GAUFF: Even though it's not in the item.
6 Typically what we consider a project for the purposes of
7 these types of grant programs, for the Rubberized Asphalt
8 Grant Program, would be any separately bid construction
9 work. So, for example, some of the smaller cities will
10 bid out all of their street work in one bid. That would
11 be one project. Some cities do street by street. Or
12 county agencies, they may do street by street. Typically
13 because they're larger projects, each one of those would
14 be a project, each one of those bids for the individual
15 streets. So basically what we say is it's a separately
16 bid contract or contract for work.

17 COMMITTEE MEMBER MARIN: I will caution you that
18 you -- well, hopefully, you won't have any problems. But
19 I could see where that can become somewhat convoluted.

20 MR. GAUFF: If it becomes an issue, we will
21 certainly come back as soon as possible to rectify it.

22 DEPUTY DIRECTOR LEE: I'd like to point out to
23 the Committee one other overarching issue which is
24 probably intuitively obvious. What the Board is proposing
25 to do is make up the differential between conventional

1 paving project and a RAC project. But the jurisdiction
2 still has to want to do a paving project. So to that
3 extent, we're dependant on the economy and market
4 conditions, local jurisdiction budgets.

5 So, again, it's not, you know -- the whole thing,
6 you know, moving these RAC projects isn't just the
7 differential -- picking up the differential in costs. So
8 we're hopeful with the passage of the National Highway
9 Bill that might stipulate the situation. But I just want
10 the Committee to recognize that that is a consideration
11 here.

12 CHAIRPERSON PEACE: Do we have any idea what kind
13 of impact this is going to have on the Kuehl Bill, the
14 application for the Kuehl Bill, since this is a bigger
15 amount of money they can apply for?

16 MR. GAUFF: No. I don't think it's going to be a
17 whole lot of impact, because typically the Kuehl Bill is
18 the jurisdictions that are using the material on a regular
19 basis. And certainly if they've gotten a Kuehl Grant in
20 the last two years, they wouldn't qualify for this program
21 necessarily.

22 Now, once again if it becomes an issue, that may
23 be something we want to look at as far as changing, maybe
24 even within the next three to six months.

25 But, certainly, I think the way we're looking at

1 it now is that it shouldn't be an impact on the Kuehl
2 because the Kuehl Bill is for those jurisdictions -- it
3 hasn't attracted -- at least as far as we can tell, it
4 hasn't attracted any first-time users.

5 CHAIRPERSON PEACE: Any other questions?

6 Let's just clarify what changes we're going to
7 make. One in the eligible projects, that the eligible RAC
8 projects will be ASTM standards and also, of course, use
9 100 percent California waste tires.

10 Under priority categories and evaluation process
11 Number 2, no RAC projects constructed in the applicant's
12 jurisdiction in the last ten years, period. We'll strike
13 25 or fewer RAC projects. Strike that part.

14 And we get to the category the rural, northern,
15 southern, we're going to increase all those by 25,000.

16 Now will you be sending out a revised item prior
17 to the Board meeting?

18 DEPUTY DIRECTOR LEE: Yes, we will, Madam Chair.

19 CHAIRPERSON PEACE: Okay. And do I hear a
20 motion?

21 COMMITTEE MEMBER MARIN: I move -- hold on one
22 second -- the 2005-264.

23 COMMITTEE MEMBER MULÉ: I'll second that.

24 CHAIRPERSON PEACE: With the changes as directed.

25 COMMITTEE MEMBER MARIN: With the changes as

1 proposed.

2 COMMITTEE MEMBER MULÉ: Second.

3 CHAIRPERSON PEACE: I have a motion from Marin
4 and a second by Ms. Mulé.

5 Call the roll, please.

6 EXECUTIVE ASSISTANT HUNT: Marin?

7 COMMITTEE MEMBER MARIN: Aye.

8 EXECUTIVE ASSISTANT HUNT: Mulé?

9 COMMITTEE MEMBER MULÉ: Aye.

10 EXECUTIVE ASSISTANT HUNT: Chair Peace?

11 CHAIRPERSON PEACE: Aye.

12 And if there are no objections, we'll put this on
13 consent.

14 COMMITTEE MEMBER MARIN: Fiscal.

15 CHAIRPERSON PEACE: Well, we're not dealing with
16 money. This is the criteria, so this can technically go
17 on consent. We're not allocating the money. So we will
18 get a revised item, but go ahead and put this on consent.

19 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

20 Board Item 10, Committee Item C, is Consideration
21 of the Eligibility Criteria Priority Categories and
22 Evaluation Process for Rubberized Asphalt Concrete Grant
23 Program, Fiscal Years, 2005-06, Tire Recycling Management
24 Fund.

25 Nate Gauff will make the staff presentation.

1 (Thereupon an overhead presentation was
2 presented as follows.)

3 MR. GAUFF: Once again, this is the third cycle
4 of the Kuehl Bill Program. This is a separate criteria
5 but very similar to the first criteria that was passed
6 three cycles ago.

7 --o0o--

8 MR. GAUFF: Once again, just in the general
9 scheme of things, with the Rubberized Asphalt Program,
10 that this would fall under the bottom item, which is your
11 RAC Rewards Grant Program by another name. But it is the
12 Kuehl Bill. It is in a sense a reward for using the
13 material.

14 --o0o--

15 MR. GAUFF: The funding for this program is
16 \$1.663 million according to the Five-Year Plan. In this
17 program we are proposing to not use the north/south
18 funding split. And we are also proposing that there be a
19 10 percent rural jurisdiction reserve, which is very
20 similar to what we've done in the first two cycles.

21 The grant award as laid out by the legislation is
22 \$6,250 at minimum, and that would be for a project that
23 uses a project at the minimum of 2500 tons of RAC and
24 50,000 maximum. That would be based on a project that
25 uses 20,000 tons or more. We are proposing that there be

1 a \$150,000 per jurisdiction limit that, once again, would
2 be waived if there are available funds to be disbursed.

3 --o0o--

4 MR. GAUFF: Eligibility criteria is very similar
5 to the last item, that it be local governments and their
6 subdivisions. Once again, the legislation calls for a
7 minimum of 2500 tons of RAC per project and that the
8 projects use at least 20 pounds of rubber per ton of RAC.
9 And the Waste Board has added the requirement that they
10 use 100 percent California waste tire rubber.

11 --o0o--

12 MR. GAUFF: Simplify the priority categories.
13 One would be the highest priority project, or highest
14 ranking project would be the project that uses the highest
15 amount of RAC, highest tonnage of RAC.

16 Second would be the project that would be
17 proposing to use the greatest amount of rubber per ton of
18 material, as that is a variable amount.

19 And the third would be which project is -- how
20 ready the project is to construct. The projects that have
21 been bid that are ready to go. As long as they don't
22 start construction before the application deadline, they
23 would receive -- the one closest to the application
24 deadline date would receive the highest priority. That's
25 how we've done it in the past, and it's worked out pretty

1 well.

2 --o0o--

3 MR. GAUFF: The evaluation process, typically
4 what happens is we have the completeness reviewed by the
5 Grants Administration Unit. We once again look at the
6 priority categories and we rank them accordingly. We also
7 are, once again, asking that the Board waive the general
8 grant criteria and the general checklist and instead use
9 the priority ranking categories.

10 And the tie breakers on this one are a little
11 simpler than in the last one in that we use basically one
12 set of tie breakers, and that's based on the contract
13 status, the contract for the project. If it's been bid
14 and it's ready to go, then that has the highest priority.
15 The second highest priority in the process is in the
16 bidding process. Maybe the bid is out. And the third or
17 lowest tie breaker would be a project that's still in the
18 planning phases that has not been out to bid at all.

19 --o0o--

20 MR. GAUFF: Are there any questions?

21 CHAIRPERSON PEACE: I don't think we have any
22 questions. The only thing I know, I'd asked before about
23 signage. I don't know about for this program, but for the
24 previous one if we could put up some sort of a sign.
25 Because I know when I was in Arizona, I saw a sign on the

1 road that says, you know, "The next three miles
2 constructed with 250,000 waste tires." And you said that
3 might be a problem trying to get signs along our roads.
4 And I was just wondering if you could maybe look into that
5 more. Even if there's a sign -- when a new road's going
6 in, sometimes there's a sign that says, "This road is
7 being built with your tax dollars." If we could look into
8 if there's anything, even if it's only during the
9 construction or only if it has to be up a couple months,
10 maybe not forever. But just to let people know what
11 they're driving on. Just to kind of get in the public's
12 mind that, oh, yeah. This road is smoother, because it's
13 using rubberized asphalt concrete. I just think getting
14 the word out is a good thing. If you can maybe do some
15 more checking as to if we can do that, how we can do that.

16 MR. GAUFF: We can survey the local governments.
17 That issue did come up when we went through the criteria
18 the first time. And some of the issues at that time were
19 that, one, the additional costs of putting up a sign.

20 Two was the whole issue of where do you place the
21 sign, you know. And some of the roadways, especially if
22 it's through a business district or something like that,
23 people tend to miss it. And the local jurisdictions felt
24 it was somewhat of a waste of money.

25 The third thing was on the construction, they can

1 do it, because in construction you're sitting in traffic
2 while they're constructing. But that might be something
3 they could do on a temporary sign basis or something like
4 that. But we lose the value in the longer term of not
5 having reenforcement that it's rubberized asphalt. But we
6 can certainly look into that issue again.

7 CHAIRPERSON PEACE: Maybe a little more, because
8 I know I saw those signs in Arizona, and it was kind of
9 wow, okay. And I'm going to be driving on tires. And
10 right away you notice how much smoother and quieter. So
11 if you can just look into that a little bit more.

12 Okay. Do we have a motion?

13 COMMITTEE MEMBER MARIN: Move approval of
14 Resolution 2005-265.

15 COMMITTEE MEMBER MULÉ: Second.

16 CHAIRPERSON PEACE: We have a motion by Ms. Marin
17 and a second by Ms. Mulé. And we'll substitute the
18 previous roll, if there are no objections. And we'll also
19 place this on -- this is just criteria also right. We'll
20 place this on consent, if there are no objections.

21 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

22 Board Item 11, Committee Item D, is Consideration
23 of Applicant Eligibility and Evaluation Process for the
24 Tire-Derived Product Grant Program, Fiscal Year 2005-2006,
25 Tire Recycling Management Fund.

1 As discussed in the Board-approved revision to
2 the Five-Year Tire Plan, this program is the replacement
3 for the Waste Tire Playground Cover and Waste Track and
4 Other Recreational Surfacing Grant Programs. While these
5 uses are still potentially fundable under this grant
6 program, many other products made from waste tires are
7 potentially eligible.

8 This grant program is designed to cost
9 effectively support and encourage the purchase of a wide
10 range of these products by end users and, thus, support
11 and stabilize the markets for these materials, and thereby
12 contribute to an increase in the waste tire diversion and
13 recycling rate. This program has many other unique
14 aspects, which I'll ask Michelle Martin to share with you
15 as she completes the remainder of the staff presentation.

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 MS. MARTIN: Thank you, Jim. Good morning, Madam
19 Chair, Committee members. My name is Michelle Martin.
20 I'm with the Product Promotion Assistance Section. This
21 presentation is for Agenda Item 11, Consideration of
22 Applicant Eligibility, Project Eligibility, and Evaluation
23 Process for the Tire-Derived, TDP, Grant Program for
24 Fiscal Year 2005-2006.

25 The purpose of this grant program is to promote

1 markets for recycled content products derived from waste
2 tires generated in California and to decrease the adverse
3 environmental impacts created by unlawful disposal and
4 stockpiling of waste tires. This new grant program
5 replaces the Playground Cover and Track and Other
6 Recreational Surfacing Grant Programs. In addition, it
7 provides grants for other rubberized products, such as
8 sidewalks, top hats, which are used in the transportation
9 field, landscape covers, weed abatement, tree covers, and
10 mulch.

11 The administration of this new grant program will
12 be very streamlined, objective, and simple to implement.
13 This grant program is included in the Board-approved
14 document Five-Year Plan for the Waste Tire Recycling
15 Management Program.

16 --o0o--

17 MS. MARTIN: The Five-Year Plan allocates
18 \$1,792,818 for fiscal year 2005-2006 TDP Grant Program.
19 Staff proposes that the funding level for the Tire-Derived
20 Product Grant Program not to exceed \$100,000 per awarded
21 grant. And with this grant program there is no match
22 requirement.

23 Applicant eligibility. Eligible applicants are
24 public entities which is what was in the past. Only one
25 application per qualifying public entity will be accepted,

1 and an application may include multiple product or project
2 sites.

3 --o0o--

4 MS. MARTIN: Tire-derived products are final or
5 finished products ready for sale to the public that are
6 made from recycled 100 percent California waste tires. A
7 minimum of 2500 tires must be diverted per application.
8 Projects cannot include roughings in the calculation and
9 can only include material costs. In the past, we've
10 allowed installation costs and administrative costs. And
11 cannot include equipment costs.

12 Grant award amounts will be determined based on
13 the number of tires diverted by the applicant. Applicants
14 will be awarded the actual cost per recycled 100 percent
15 California waste tire, up to a maximum of \$10 per tire, up
16 to the maximum available award of 100,000 per applicant.
17 And the calculation is the number of tires diverted, times
18 cost per passenger tire equivalent, equals the grant
19 amount. And there is an example provided. For example, a
20 minimum of 2500 waste tires diverted times \$10 equals a
21 grant amount which is a minimum of \$25,000.

22 --o0o--

23 MS. MARTIN: The evaluation: Staff will review
24 the grant applications and determine whether the applicant
25 and project are eligible. Grant funds will be recommended

1 for award to applicants based on the calculations they
2 have provided on the application cover sheet.

3 Two, a publicly-noticed random selection process
4 will be conducted. And if more grant funds are requested
5 than available, we will hold a random selection process.
6 The process will be publicly noted, and the public will be
7 invited to attend.

8 Three, applicants will be given grant numbers in
9 the order which they are received by the Board. Grant
10 numbers will be used to represent the applicant during the
11 random selection process. Random selection numbers will
12 be drawn for each applicant and will determine funding
13 order.

14 Four, a list will be developed and sorted in
15 funding order.

16 And then last, two lists will be established; one
17 for north and one for south for the north/south split
18 still in descending order. If the north has funds left,
19 the south will exhaust them and vice versa.

20 --o0o--

21 MS. MARTIN: And the next slide kind of gives an
22 example about the random selection process. So for
23 example, in Table 1, let's say San Diego's application was
24 received first. So they will be given the grant number of
25 1. And Los Angeles was received second. And then during

1 the random selection process, San Diego goes first to
2 draw, and they just so happen to get number four. So
3 they'll be fourth funded for the south, because it will be
4 north/south split. And it just so happens Los Angeles
5 receives one for their random selection number and so on.

6 And in Table 2, we have the split between north
7 and south. And those are the orders of the descending
8 orders of the numbers, the random selection numbers. I
9 hope that makes sense.

10 Funds will be disbursed as follows. North is 39
11 percent based on Department of Finance. It will receive
12 \$699,199. And the south is 61 percent. They'll receive
13 \$1,093,618. And who's done this type of process in the
14 past is the Fair Political Practices Commission, and it's
15 worked really well for them.

16 If remaining funds are available, like I said
17 before, in either north and south, they will fund the next
18 application in descending order until funds are exhausted.

19 We're really excited about this new grant
20 program. The application will be reduced from before,
21 previously 18 pages now down to six, which is incredible.
22 We've also discussed this grant program in the waste tire
23 interested parties meeting and have received positive
24 feedback from stakeholders, potential applicants, and also
25 staff.

1 The turn-around time for this grant program is
2 very fast. We were hoping to get money out to applicants
3 and grantees by the first of the year. And in the past,
4 it's taken a couple months for scoring and that type of
5 process, going before the Board. So we're hoping to get
6 this out very quickly.

7 Notice of Funds Available, upon approval by the
8 Board, staff will notify approximately 5,000 potential
9 applicants and post the NOFA also on the tire website.

10 So at this time, this concludes my presentation.
11 Thank you. And I can answer any questions.

12 CHAIRPERSON PEACE: Okay. Thank you, Michelle.

13 I just have a little tweaking thing again here
14 where it says eligible applicants, very last line, it says
15 the "application may include multiple project sites." I
16 was wondering if we could change that, "application may
17 include multiple tire-derived products projects." That
18 way instead of saying sites, that way if a park wanted to
19 put in a rubber sidewalk, but they also wanted to put in
20 some rubber bumpers around their dock and put a rubber mat
21 on the dock, all those can be in one application at one
22 site and still qualify.

23 MS. MARTIN: Sure. We'll make that change.

24 COMMITTEE MEMBER MARIN: That's fine.

25 On this random selection process, help me

1 understand something. Is there going to be a deadline for
2 all of these grant proposals to come, or is it going to be
3 every quarter or --

4 MS. MARTIN: No. There is a deadline of November
5 10th that we are to receive all applications.

6 COMMITTEE MEMBER MARIN: So then the question is,
7 within your random selection if you received one proposal
8 in October versus one on November 15th or whenever the
9 deadline is for your random selection process, that date
10 is important as to when you receive the grant application;
11 right?

12 MS. MARTIN: When we receive the grant
13 application, they will be given their grant number, which
14 really has nothing to do with how they're going to be
15 funded. What will happen is we'll have the random
16 selection process after November 15th before the December
17 Board meeting. So it will be a public process, and then
18 they'll be receiving their random selection numbers at one
19 date.

20 COMMITTEE MEMBER MARIN: Why do we need that? I
21 don't understand the need for that.

22 DEPUTY DIRECTOR LEE: Just so they -- the order
23 that the application's received just affects the order in
24 which their number is drawn from in the random selection
25 process. So it makes no difference what time your

1 application is received, early in the process or late in
2 the process. Because, again, it's literally a random
3 selection process. It's a lottery by other names. It
4 would only come into effect if we're oversubscribed. If
5 we're undersubscribed, then basically everybody will
6 receive funding.

7 COMMITTEE MEMBER MARIN: So if we received 100
8 applications, and there is money for all of them, no
9 problem. We receive 100 applications and only 50 will
10 be -- we only have money for about 50 or so, the fact that
11 your application came in first or second or third doesn't
12 matter?

13 MS. MARTIN: Doesn't matter.

14 COMMITTEE MEMBER MARIN: All the 100 -- all the
15 100 will be randomly selected?

16 MS. MARTIN: Correct. And then go back to the
17 Board for reallocation, if that needs to happen.

18 COMMITTEE MEMBER MARIN: All right. But we're
19 not going to be granting them at the time that we're
20 receiving the applications?

21 MS. MARTIN: No.

22 COMMITTEE MEMBER MARIN: That's where I was
23 confused.

24 MS. MARTIN: Okay. I'm sorry.

25 CHAIRPERSON PEACE: Any other questions?

1 COMMITTEE MEMBER MULÉ: Well, first of all a
2 comment. I want to commend staff on a job well done. I
3 was really impressed with the thought and the effort that
4 went into, number one, streamlining the application
5 process. I was very impressed to see the application go
6 from 18 pages to five. It's just more efficient for all
7 of us.

8 COMMITTEE MEMBER MARIN: She said six. Five
9 would be better.

10 COMMITTEE MEMBER MULÉ: Oh, I thought it was
11 five. Six is still acceptable.

12 CHAIRPERSON PEACE: Much better than 18.

13 COMMITTEE MEMBER MULÉ: I have five in my notes.
14 I'll change it.

15 Also, I'm very, very pleased to see that we are
16 expanding the product line to include transportation type
17 items and agricultural and landscape type items. Again,
18 this just broadens the opportunity for further market
19 development and use of these projects or products. So I'm
20 really pleased to see you're doing that.

21 I did have some questions about the lottery
22 system, but I think you've explained it. I think let's
23 give it a try and see how it goes. And we'll go from
24 there.

25 So, again, no questions. Just want to commend

1 staff on a job well done.

2 CHAIRPERSON PEACE: We have one speaker that
3 wanted to speak on this item, Mr. Blumenthal from the RMA.

4 COMMITTEE MEMBER MARIN: As he's coming, is this
5 a one-year deal or is it two-year?

6 MS. MARTIN: It's one year.

7 COMMITTEE MEMBER MARIN: It's a one year. One of
8 the things we were hoping to do, at least from the
9 jurisdictions, some of the feedback we had was they wanted
10 to do one application for a two-year period. And I don't
11 know whether we can think about that at this late in time.

12 DEPUTY DIRECTOR LEE: Ms. Marin, we are
13 considering that for selective grant programs. This was
14 the first time out of the gate for this, so we wanted to
15 see how it went. And we certainly would be open to some
16 suggestion like that for future grant cycles.

17 COMMITTEE MEMBER MARIN: You understand it would
18 be a lot easier for jurisdictions to submit grant
19 proposals once every two years versus every year, every
20 year. So think about that for the next grant. Sorry.

21 MR. BLUMENTHAL: Good morning. My name is
22 Michael Blumenthal. I'm with the Rubber Manufacturers
23 Association. I have a couple comments.

24 I'd like to share some -- I think some of the
25 good aspects is that it is a less cumbersome piece of

1 paperwork and does tighten up the regs on how the money
2 can be spent. It's now more on product as opposed to
3 administration, which you'll get much more bang for the
4 buck.

5 But I want to repeat some of the concerns that we
6 have talked about in the past, in that if you make money
7 available, people will go after it. And they'll buy
8 products with money that they have. If the money is not
9 available, they probably will not go after the grants
10 because the money is not available. They'll continue
11 doing what they have.

12 The point we've been trying to make in the past
13 is that if you're going to give out the money, and that
14 certainly is your prerogative, at least get something back
15 for it. We talked about it in the past, when you're
16 dealing with playgrounds, get a report on the reduced
17 number of injuries or how it worked or how it went so you
18 have an information base.

19 The thing we're working on in the business
20 development aspect is information. The whole aspect, if
21 you teach someone how to fish, they can feed themselves.
22 You keep on handing the fish out, they're going to be
23 dependant upon you for that fish. You simply have to
24 highlight the benefits of these materials. If you just
25 give out grants, they're going to buy them. If you give

1 out grants for recycled plastic, they'll buy recycled
2 plastic. There's no real repeat business here.

3 And we've seen that in the past on the playground
4 and running track grants. From what I've been told, no
5 one has had a repeat sale from anybody who got a grant for
6 rubber playgrounds or rubberized track. So you're giving
7 money out, that's fine. It's a shot in the arm to the
8 industry. But if the grants go away, those sales go away.
9 And you have nothing in your hand for this. You need some
10 report. We talked about this before. It seemed like a
11 good idea at the time. There's been no follow up on that.

12 Education on the benefits of using these
13 materials is the best sales tool that you have. You have
14 an opportunity to create that sales tool through these
15 grant programs, through testimonials, through installation
16 histories, anything. The more information that you can
17 provide about this material, the less mystique it has, the
18 less misperceptions that are out there, the less
19 half-truths that are out there. Certainly, more
20 information in the marketplace makes this a more
21 competitive product. And I think this is the opportunity
22 that you have.

23 COMMITTEE MEMBER MULÉ: Michael, do you have --
24 does RMA have any information on that, or can you share
25 with us what other states are doing in that realm?

1 MR. BLUMENTHAL: This is not the only time I've
2 said this. The answer is no. Other states have not acted
3 upon this either. We have the same comment for every
4 state that hands out money for rubberized products: Get
5 something back for it.

6 COMMITTEE MEMBER MULÉ: It was like what I was
7 mentioning in the earlier items. We want some performance
8 data.

9 MR. BLUMENTHAL: I had made myself a note on will
10 there be any follow-up. Since you asked the question, I
11 didn't have to.

12 COMMITTEE MEMBER MULÉ: It's the same thing.

13 MR. BLUMENTHAL: It's the same concept. But the
14 answer is no other state has done it either. And we have
15 some testimonials from some of the vendors who have sold
16 this material. But once again, that's through a vendor.
17 That's through someone trying to sell a product to make a
18 profit. If it comes from a State agency, it has a lot
19 more weight. If you have the grants, you have an
20 opportunity to get information from the recipients. I
21 think that's only fair.

22 COMMITTEE MEMBER MARIN: So you want us to do
23 your job?

24 MR. BLUMENTHAL: Your objective here, as stated,
25 is to increase the market for the higher value added

1 products. Simply giving out grants is not a long-term
2 sustainable approach. Getting information into the
3 marketplace so people will buy this on their own is the
4 goal. That suits your ends and mine as well.

5 COMMITTEE MEMBER MARIN: So why wouldn't we join
6 hands? You know, it seems to me that it's as good for you
7 as it would be for us.

8 MR. BLUMENTHAL: I'm not arguing the point. That
9 is the point. If you want to talk about how we can work
10 together, I'm here all day today.

11 COMMITTEE MEMBER MARIN: Because it seems to me
12 that, you know, it would be in your best interest to have
13 this from every single organization or entity that does
14 it. But it's like, yeah, how do we do that? And by you
15 benefiting from this as well -- you're meaning all of the
16 people you represent, why wouldn't we join efforts?

17 MR. BLUMENTHAL: There's no reason not to. And
18 I'm happy to talk to you about it after this session.
19 Thank you.

20 COMMITTEE MEMBER MARIN: Okay.

21 DEPUTY DIRECTOR LEE: Ms. Marin and Chair Peace,
22 if I may, just a couple of comments on Mr. Blumenthal's
23 remarks.

24 I think we work very closely with Mr.
25 Blumenthal's organization with a number of things. And

1 many of his points he made today are something that we've
2 given strong consideration to and have taken into
3 consideration and included as really part of this item.
4 For example, as I mentioned in my opening remarks on some
5 of the earlier agenda items, RAC and civil engineering are
6 really our big focus. During the development of the
7 Five-Year Plan, it was pointed out we need to have a
8 diverse market, not to overlook any opportunities. And so
9 we continue to explore the possibilities, you know, that
10 this program provides.

11 Secondly, as noted earlier, you know, we're
12 expanding the number of potential products again with an
13 idea of trying to boost and encourage the market. Last
14 year, again, we, pursuant to support from Committee Chair
15 Peace, the idea of setting the cap on the amount of tires,
16 on the cost grant support per tire used in the product, we
17 had a cap of \$15. We would like the Committee to note
18 that this year we're talking about a maximum award of \$10
19 per tire used the product.

20 We continue to look and encourage cost
21 effectiveness in the use of these programs. For the first
22 time this year, with this particular grant program, we've
23 got an evaluation component, and it will be a requirement
24 that these grant applicants submit a report on a yearly
25 basis for five years to make sure the product is being

1 used appropriately and is being evaluated on an ongoing
2 basis.

3 And, again, as I mentioned earlier in a remark to
4 Ms. Marin, again, this is only a one-year program. We
5 want to kind of see how it goes, and we'll consider
6 further changes at a later time. But I think I also want
7 to ask Michelle if there's any additional things she
8 wanted to bring to the Committee's attention.

9 MS. MARTIN: I think you covered it, Jim. We're
10 really excited about this grant program, and we look
11 forward to seeing how the process works and goes.

12 COMMITTEE MEMBER MARIN: Just one more question.
13 An eligible applicant must certify compliance with the
14 principles of environmental justice. We're asking that in
15 this particular grant but not of any other grant, or is
16 this something we're asking for just for this one? Is
17 there a reason why it's there?

18 MS. MARTIN: As far as I know, it's for all
19 grants, is environmental justice. That's how it's been in
20 our grant program forever.

21 CHAIRPERSON PEACE: I asked that question, too.
22 Because I can see where it would be in there for a
23 landfill or something. But on these, it makes a good
24 thing.

25 COMMITTEE MEMBER MARIN: Is that true for all the

1 other ones? I cannot seem to find the other ones either.

2 STAFF COUNSEL BLOCK: Elliot Block with the Legal
3 Office.

4 Yes. That is some standard language we've had in
5 the grant. It actually appears in the grant, in the NOFA,
6 and in the contracts themselves as opposed to the
7 criteria. That's the way we -- probably a couple years
8 ago when the Board decided they wanted to add that to our
9 processes.

10 COMMITTEE MEMBER MARIN: Why is it not on the
11 other grants we have?

12 STAFF COUNSEL BLOCK: It's on the other grants.
13 It may not appear in an agenda item separately identified,
14 but it is in all the grants. Just maybe the way the
15 agenda item was written. That's all.

16 COMMITTEE MEMBER MULÉ: So it's included in the
17 NOFAs and in the contracts?

18 STAFF COUNSEL BLOCK: Correct. Certainly in the
19 contracts. The NOFAs, without having read every one of
20 them, but certainly.

21 COMMITTEE MEMBER MULÉ: Did you say the Board had
22 required this a couple years ago?

23 MS. MARTIN: It's a certification in the
24 application.

25 STAFF COUNSEL BLOCK: As part of the application

1 which they're submitting and pursuant to the NOFA, they
2 are signing and certifying they're meeting those
3 requirements.

4 COMMITTEE MEMBER MARIN: That's for every single
5 grant that we give?

6 STAFF COUNSEL BLOCK: Yes.

7 COMMITTEE MEMBER MULÉ: Is that a
8 Board-approved --

9 STAFF COUNSEL BLOCK: That was at the direction
10 of the Board two to three years ago. Very specifically,
11 the Board wanted us to include that. May have even been a
12 few years before that.

13 CHAIRPERSON PEACE: I guess with this grant
14 program what we're hoping is that the money's an incentive
15 to get parks or whatever, local governments, grantees to
16 try the products. What we hope is that they'll see that
17 these are good and they last longer than what we're using
18 before and they would continue to buy them.

19 But Michael Blumenthal's point is well taken.
20 And I thought we had talked about that before, talked
21 about, you know, requiring the grantees to somehow report
22 back to us, or we contact them like one year after the
23 grant, three years, five years, and ask them how are those
24 things holding up? Are you happy with them?

25 COMMITTEE MEMBER MULÉ: They just told us they

1 are.

2 DEPUTY DIRECTOR LEE: That's being done, Madam
3 Chair. For the first time this year, we have an
4 evaluation process requiring the applicants -- successful
5 applicants to report back to us on a yearly basis.

6 CHAIRPERSON PEACE: I thought we had talked about
7 that before.

8 DEPUTY DIRECTOR LEE: Yes.

9 CHAIRPERSON PEACE: Okay. Great.
10 Are there any other questions?

11 COMMITTEE MEMBER MARIN: Move approval of
12 Resolution 2005-266.

13 COMMITTEE MEMBER MULÉ: Second.

14 CHAIRPERSON PEACE: We have a motion by Ms. Marin
15 and a second by Ms. Mulé.

16 Call the roll.

17 EXECUTIVE ASSISTANT HUNT: Marin?

18 COMMITTEE MEMBER MARIN: Aye.

19 EXECUTIVE ASSISTANT HUNT: Mulé?

20 COMMITTEE MEMBER MULÉ: Aye.

21 EXECUTIVE ASSISTANT HUNT: Chair Peace?

22 CHAIRPERSON PEACE: Aye.

23 And if there are no objections, we'll also put
24 this one on consent.

25 Is there anything else anybody would like to add?

1 Any comments?

2 COMMITTEE MEMBER MARIN: I do. I Chaired a
3 meeting yesterday until 4:00. With all due respect, I
4 think we need to be here until 4:00.

5 CHAIRPERSON PEACE: If you would like to stay
6 here until 4:00, you're welcome to. This meeting is
7 adjourned.

8 (Thereupon the California Integrated Waste
9 Management Board, Special Waste Committee
10 adjourned at 10:57 a.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 27th day September, 2005.

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24 Certified Shorthand Reporter
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